

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: Clearview AI, Inc. Consumer Privacy
Litigation

Civil Action File No.: 1:21-cv-00135

Judge Sharon Johnson Coleman

Magistrate Judge Maria Valdez

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY IN CONNECTION WITH
PLAINTIFFS' OPPOSITION TO CLEARVIEW DEFENDANTS' MOTION TO DISMISS**

Plaintiffs, by and through interim lead class counsel, respectfully submit this Notice of Supplemental Authority in connection with Plaintiffs' Opposition to Clearview Defendants' Motion to Dismiss (Dkt. 134). Specifically, on August 27, 2021, the court in the matter of *American Civil Liberties Union v. Clearview AI, Inc.*, No. 20 CH 4353 (Cir. Ct. Cook Cnty.) denied in its entirety the motion to dismiss of Defendant Clearview AI, Inc. As here, the case alleges violations of Illinois' Biometric Information Privacy Act ("BIPA"). As relevant here, in its motion to dismiss, Defendant Clearview AI, Inc. unsuccessfully sought dismissal on the following grounds: (a) BIPA does not apply to photographs or faceprints derived from photographs; (b) Illinois' extraterritoriality doctrine and the dormant Commerce Clause barred the plaintiffs' claims; and (c) BIPA, as applied in the case, violated the First Amendment. A copy of the court's opinion is attached hereto as Exhibit 1.

Dated: September 1, 2021

Respectfully submitted,

By: /s/ Scott R. Drury
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CERTIFICATE OF SERVICE

I, Scott R. Drury, an attorney, hereby certify that, on September 1, 2021, I filed the foregoing document using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Scott R. Drury
Interim Lead Class Counsel for Plaintiffs